

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA	*	Criminal 17-044 (JAG)
Plaintiff	*	
V.	*	
ADRIAN GELSON DE LA CRUZ	*	
Defendant	*	

SENTENCING MEMORANDUM

TO THE HONORABLE COURT:

COMES NOW, Adrian Gelson-De la Cruz represented by the undersigned attorney and respectfully states and prays:

On April 18, 2017 defendant Gelson De la Cruz made a straight plea to the only count of the indictment. In the specific case of De la Cruz the government would not enter into a plea agreement.

A pre-sentence report was prepared and filed and the same was discussed and read in Spanish to defendant. The pre-sentence report has made a calculation of the sentencing guidelines to establish a total offense level of 10. The defense agrees with the total offense level established. Defendant Gelson De la Cruz is a criminal history II.

It is the position of the defense that a sentence within the applicable guideline of a total offense level of 10 combined with a criminal history category of II and which provides a sentencing guideline range of 8-14 months is sufficient but not greater than

necessary to accomplish the sentencing purposes required. The defense is requesting that Gelson De la Cruz be sentenced to the lower end of the sentencing guideline which is a term of 8 months. This request is based on the specific characteristics of defendant and the circumstances of his life. Defendant has a minor child, Geisi, who suffers from epilepsy and requires daily medication. Precisely it is the predicament of defendant's minor daughter and her health problems that has driven Gelson De la Cruz to violate the law. Medication expenses in the Dominican Republic are astronomic and even though defendant constantly worked in his country the income is not enough to pay for the costly medication of Geisi. Defendant acknowledges that he has broken the law and is very repentant of having done so. Geisi has been left without a father in worst conditions than what she was when defendant engaged in this venture. Defendant is an illegal alien, deportable and once before removed from the United States. Defendant has been incarcerated since January 21, 2017, almost the term of the low end of the applicable sentencing guideline, it is requested that said term be the one imposed.

WHEREFORE, it is respectfully requested the Court take into consideration the instant memorandum and sentence defendant as requested.

RESPECTFULLY SUBMITTED.

CERTIFICATE OF SERVICE: I hereby certify that on this date the present document has been filed electronically and is available for viewing and downloading from the Court's CM/ECF system by: U.S. Attorney's Office.

In San Juan, Puerto Rico, this 14th day of August, 2017.

S/ Lydia Lizarribar-Masini
LYDIA LIZARRÍBAR-MASINI
USDC 124301
14 O'NEILL ST. SUITE A
HATO REY, PR 00918
TEL. 250-7505 FAX. 758-4512
E-mail: lizarribarlaw@gmail.com